

independent claims 1 and 22 are generic and linking claims to at least the Figures 22 and 24-26 as these embodiments are obvious variants from each other. Accordingly, the Applicant respectfully request that the claims 2,3, 4-17, 19-21, and 23-44 be considered in this examination. Currently, claims 1, 4, 18, 22, 45, 48-52 are pending.

VI. 103(a) References Cited

The Examiner rejected claims 1, 4, 18, 22, 45, 48-52 under 35 U.S.C. 103 as being unpatentable over Matovich U.S. Pat. No. 4,491,452, in view of British Patent #2,326,632, Siebert U.S. Pat. No. 4,681,299, and Scott U.S. Pat. No. 5,234,307. Briefly, the Examiner asserted that Matovich discloses a transporter as shown in Figures 6 and 7, but that it lacks the specific type of an actuator to lift the transporter. Then the Examiner cites the British patent's Figures 2 and 4, and Sieberts element #64 and #122 for the proposition that these two references teach using plural arms to raise the motorcycle. Thus, the Examiner asserted, it would have been obvious to combine the references with these secondary references to produce the claimed invention.

Applicant respectfully traverses this ground of rejection for the reasons set forth below.

Figures 6 and 7 of Matovich are directed to an apparatus for lifting an automobile. See Column 5, lines 20-26. The apparatus also require four lifting units A to lift the automobile: two lifting units A in the front end and two lifting units A in the back end. Matovich does not teach or suggest using the apparatus to lift a motorcycle or using one lifting unit to lift one end of the apparatus as taught in Matovich. In contrast, the claimed invention is directed to lifting a motorcycle either in the front end or the back end, using one dolly on the either end. To lift the both ends of the motorcycle, two dollies may be used, one on each end. Moreover, the apparatus of Matovich would not be applicable to lift a motorcycle because it would tilt over thereby damaging the motorcycle.

The British patent teaches a motorcycle jack for lifting one of the wheels of the motorcycle. This is done by coupling the support assembly (SA) and the lifting assembly (LA) onto one wheel, and adjusting the adjustable strut 16 on the LA to raise the wheel. As such, the British patent does not teach or suggest arms pivotally coupled to an actuator. Rather, the motorcycle jack lifts and lowers the motorcycle so that the motorcycle may be worked on.

Furthermore, the British patent does not teach or suggest being able to maneuver the motorcycle once the motorcycle is lifted.

The same is true with Siebert, it teaches a motorcycle jack that lifts the motorcycle up and down so that the motorcycle may be worked on. The jack is positioned underneath the engine of the motorcycle to lift the motorcycle. As such, Siebert does not teach or suggest a dolly having an actuator and pivotable arms that is adapted to couple to one end of the cradle bars extending from the first front chock. Moreover, Siebert does not teach or suggest maneuvering the motorcycle with either one or both wheels of the motorcycle lifted.

35 U.S.C. § 103 requires an analysis of the claimed invention as a whole, i.e. an analysis of the claimed combination. Even if the claimed invention is comprised of individual components well known at the time of invention, “[w]hat must be found obvious to defeat the patent is the claimed combination.” *The Gillette Co. v. S.C. Johnson & Son Inc.*, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). It is impermissible to simply to engage in a hindsight reconstruction of the claimed invention, using the applicant’s structure as a template and selecting elements from references to fill in the gaps. The references themselves must provide some teaching whereby the applicant’s combination would have been obvious. *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

In this case, Matovich is directed to lifting an automobile using four (4) lifting units, whereas the British patent and Siebert are directed to a motorcycle jack, and therefore, there is no suggestion or motivation to combine these references. Even if these references were combined, they still do not teach or suggest the claimed invention that has one dolly adapted to coupled to one end of the cradle bars to lift that end of the motorcycle using an actuator and a pair of arms. In particular, these references even when combined do not teach maneuvering the motorcycle when lifted, as it is claimed in dependent claim 18 and 53, and independent claim 52. In this regard, independent apparatus claim 1 recites in part, “a dolly adapted to couple to a first end of each of the cradle bars extending from the first front chock, said dolly having an actuator and a pair of arms, each of said arms having a pivotal end and a free end, said pivotal end of each of said arms pivotally coupled to the actuator.” Independent method claim 22, recites in part, “coupling a dolly to a first end of each of the first and second cradle bars extending from the

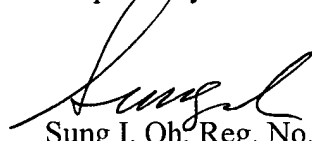
first front chock.” And apparatus independent claim 48 recites in part, “a first dolly adapted to couple to the first and second cradle bars in front of the first wheel to lift the first wheel off a ground; and a second dolly adapted to couple to the first and second cradle bars in back of the second wheel to lift the second wheel off the ground.” Accordingly, none of the cited reference even when combined teach or suggest the pending independent claims, and their respective dependent claims. In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance. Reexamination and reconsideration of the application are respectfully requested.

IV Conclusion

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant’s undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,


Sung I. Oh, Reg. No. 45,583
Attorney for Applicant

Squire, Sanders & Dempsey, LLP
810 South Figueroa, 14th Floor
Los Angeles, CA 90017
Telephone: (213) 689-5176
Facsimile: (213) 623-4581